HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO: 24534 of 2007

Dated: 20-11-2007

Between:

The K.S.R.T.c.(North-East)
Karnataka Road Transport Corporation,
Karnataka State.

..... PETIT

AND

Deputy Transport Commissioner &
Secretry, R.T.A., Medak at Sangareddy
and another.

.....RESPONI

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No. 24534 of 2007

O R D E R:

This writ petition is filed for a writ of Mandamus to declare the action of respondent No.2 in seizing the petitioner's vehicle bearing No. KA.38/F.286 under check report No.2927694 dated 31-10-2007 as illegal and arbitrary.

The petitioner sought for a further direction to the respondents to release the vehicle forthwith.

The State Road Transport Corporation of Karnataka is the petitioner in the present writ petition. On 31-10-2007 its vehicle bearing Registration No. KA.38/F.286 was seized at Zaheerabad. Column 7 of the vehicle check report reads as under:

> "7. Offences/Irregularities:- The above said vehicle involved in accident on
> 17-10-2007 vide Cr.No.236/2007 U/s. 304-A IPC of P.S.Zaheerabad and received requisition on 31-10-2007, inspected the vehicle in the premises of P.S. Zaheerabad. On verification of documents found the following."

Heard Sri P.Rajagopalachari, learned counsel for the petitioner and learned Assistant Government Pleader for Transport.

At the hearing, learned Assistant Government Pleader stated that the respondents had issued two certificates containing different permit numbers for different vehicles.

I have considered the submission of the learned Assistant Government Pleader. If the petitioner-Corporation has committed illegality in plying its vehicle, the respondents are at liberty to initiate appropriate action in accordance with law. As on today, even according to the respondents the liability of the petitioner has not been finally determined. Whether the petitioner is liable to pay any tax or not is an aspect requiring final determination by the respondents after following the procedure prescribed in law.

Since the vehicle is prone to deterioration in its condition if it is kept idle,

its continued deterioration would cause serious harm to the interest of the petitioner. Therefore, I feel it appropriate that a direction be given to the respondents to release the vehicle to the petitioner subject to following conditions:

(1) Respondent No.1 shall release vehicle bearing registration No. K.A38/F.286 to the petitioner-Corporation subject to its filing an undertaking that it will not alienate or in any manner transfer the ownership of the vehicle pending determination of the petitioner's liability and

(2) As and when liability is determined by respondent No.1, he is at liberty to enforce the same subject to the remedies available to the petitioner.

With the above conditions, the writ petition is disposed of. No costs.

C.V.NAGARJUNA REDDY,J

Date: 20-11-2007
Note : Issue C.C. by tomorrow.
B/o
KLP